

REMARKS/ARGUMENTS

Claims 1, 5 and 6 are pending in the present application. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Duroyon (U.S. Pat. No. 4,437,209). Applicant respectfully traverses the rejection.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Duroyon. Claim 1 has been amended to require the step of "decreasing the diameter of the natural casing with the side wall of the conical shaped restrictor as the natural casing is being slidably moved toward the discharge end of the tube." This amendment is supported in the specification that states "as natural casing 26 moves towards the twisting mechanism 16, engages the conical shaped restricting device 30. Restrictor 30 limits the outer diameter of the natural casing 26 such that it is of a uniform diameter as it is filled with sausage emulsion and enters twisting mechanism 16." (Page 4, lines 7-12). Duroyon does not teach decreasing the diameter of a natural casing with the side wall of a conically shaped restrictor and instead teaches a casing 70 that is interposed between a sizing ring 60 and a sealing ring 63 carried in a holder 65 creating a desired holdback force to produce a product of desired stuffed size. (Col. 6, lines 57-64). Thus, the sealing ring 63 is specifically used to determine the size of the casing 70 and not the side wall of a conically shaped restrictor. Therefore, as Duroyon does not teach each and every limitation of claim 1, the Applicant respectfully requests that the rejection be withdrawn.

Independent claim 5 has been amended to require "a hollow conical shaped restrictor on the stuffing tube having a side

wall with an exterior extending from a smaller diameter end adjacent the discharge end of the stuffing tube to a larger diameter end to decrease the diameter of the natural casing." Similar language has been added to the specification and is supported by Figs. 1 and 2 that show a conical shaped restrictor 30 that extends from a smaller diameter end adjacent the discharge end to a larger diameter end. Thus, the amendment has proper antecedent basis within the application. Duroyon does not teach this limitation. Instead, Duroyon teaches a holder 65 with a flat exterior surface and that holds a sealing ring 63 that is used to create a desired holdback force to produce a product of desired stuffed size. (Col. 6, lines 57-67). Therefore, each and every limitation of independent claim 5 is not met and the anticipation rejection is considered overcome. Claim 6 depends on claim 5 and for at least this reason is also considered in allowable form.

CONCLUSION

In view of the above remarks and arguments, Applicant believes that claims 1, 5 and 6 are in condition for allowance and Applicant respectfully requests allowance of such claims.

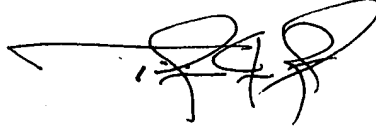
If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200.

All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently

Application No. 10/659,650
Docket No. P06667US0
Reply to Office Action of July 13, 2005

omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Zarley', with a long horizontal line extending to the left.

Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

- JLH/bjs -